

**Remarks**

**Amendments**

***Amendments to the Claims***

Applicant has amended the claims. Amendments were made to correct instances of improper antecedents. No new matter has been added as a result of these amendments.

**Information Disclosure Statement**

The Examiner indicated that the IDS of 1/17/03 was not considered because the Applicant submitted copies of PTO-892 forms as it was received in the parent application. Applicant is unaware of any requirement that references previously reported on a PTO-892 form be reformatted on a PTO-1449 form in order to be considered. Applicant respectfully requests consideration of the references cited on the submitted PTO-892 forms.

(1)

**Rejections**

***Obviousness-type Double Patenting***

**Claims 1-9, 11, 15, 17, 23, 25, 26-32 and 34**

Claims 1-9, 11, 15, 17, 23, 25, 26-32 and 34 stand rejected as being an obvious variation of claims 1-9 of U.S. Patent No. 6,173,337. Claims 1-9, 11, 15, 17, 23, 25, 26-32 and 34 have also been rejected as unpatentable under 35 U.S.C. § 103(a) over prior art. Applicant will submit a terminal disclaimer upon notification that claims 1-9, 11, 15, 17, 23, 25, 26-32 and 34 are allowable over the prior art of record.

(2)

***Rejections under 35 U.S.C. § 112, second paragraph***

**Claims 4, 6, 28 and 30**

Claims 4, 6, 28 and 30 stand rejected under 35 U.S.C. § 112, second paragraph. Applicant respectfully submits that claims 4, 6 and 28, as amended, and claim 30, as previously presented, satisfy the requirements of 35 U.S.C. § 112, second paragraph and respectfully requests the withdrawal of the rejection of the claims under § 112.

***Rejections under 35 U.S.C. § 103(a)***

**Claims 1, 2, 4, 5, 25, 26, 28 and 29**

Claims 1, 2, 4, 5, 25, 26, 28 and 29 stand rejected under 35 U.S.C. § 103(a) as being obvious over Trissel et. al. (U.S. Patent 5,274,815) in view of IBM TDB ("Tracing the Exported Entry Points in an OS/2 Dynamic Link Library"). Applicant respectfully submits that the combination is improperly motivated and furthermore does not teach each and every element of the invention as claimed in claims 1, 2, 4, 5, 25, 26, 28 and 29.

Trissel discloses a dynamic instruction modifying program that analyzes and dynamically alters a target program by inserting surrogate code to change the execution path of the target program instructions.

IBM discloses a method of intercepting and recording calls to entry points of a Dynamic Link Library (DLL). A second DLL ("stub") is created with the name of the original DLL and the original DLL is renamed. Furthermore, the stub DLL must be created with names and parameter list of every entry point from the original DLL.

The Examiner combines Trissel with IBM because IBM discloses one entity assuming an identifier of another entity whereas Trissel does not. The asserted combination has Trissel's modifying program assuming the identifier of the target program as taught by IBM while still altering the execution path of the target program with the surrogate code. The Examiner asserts motivation for the combination is "to monitor performance of the target program is a more user friendly fashion by not requiring a user to have detailed knowledge of the source code". Furthermore, the Examiner states this combination is equivalent to Applicant's claimed invention as claimed in claims 1 and 25. In particular, the Examiner equates the modifying program assuming the identifier of the target program with Applicant's claimed relay application assuming the dedicated identifier of the dedicated creator and dedicated processing applications.

Applicant respectfully submits that the combination of Trissel and IBM does not support a *prima facie* case of obviousness because the combination is improperly motivated and does not teach or suggest each and every limitation of Applicant's invention as claimed.

The Examiner asserts motivation for the combination is that IBM teaches that the user does not have to have detailed knowledge of the DLL source code (IBM, page 1, 1<sup>st</sup> paragraph). However, the cited section of IBM discloses that the method does not require any changes to the source code. Furthermore, IBM discloses that the user would need detailed knowledge of the source code, because the creation of the stub DLL requires the user to know the names and input parameter lists for each DLL entry point. Thus, IBM discloses the user is required to have detailed source code knowledge. Accordingly, Applicant respectfully submits the motivation asserted by the Examiner is not supported by the references and therefore the combination is improper.

Furthermore, even assuming the combination is proper, it does not teach Applicant's claimed invention as claimed in claims 1 and 25. In these claims, Applicant claims that the dedicated creator, dedicated processing and relay applications all have the same dedicated identifier. The dedicated creator and processing applications originally have the identifier, whereas the relay application assumes the identifier. In contrast, the combination of Trissel and IBM asserted by the Examiner has only two programs with the same identifier. In the combination of Trissel and IBM, the modifying program assumes the identifier of the target program. Thus, the combination has only two programs with the same identifier whereas Applicant's claimed invention has three applications with the same identifier.

As neither Trissel nor IBM teach three applications having the same dedicated identifier as claimed in claims 1 and 25, the combination cannot be properly interpreted to disclose the claimed elements. Therefore, the combination of Trissel and IBM cannot render obvious Applicant's invention as claimed in independent claims 1 and 25 and the claims that depend on them. Accordingly, Applicant respectfully requests the withdrawal of the rejection of currently pending claims 1, 2, 4, 5, 25, 26, 28 and 29 under 35 U.S.C. § 103(a) over Trissel and IBM.

***Claims 3, 11-13, 15-19, 21, 23, 24 and 27***

Claims 3, 11-13, 15-19, 21, 23, 24 and 27 stand rejected under 35 U.S.C. § 103(a) as being obvious over Trissel and IBM in view of Root et. al. (U.S. Patent 5,606,674). Root qualifies as prior art only under 35 U.S.C. § 102(e) because it issued after

Applicant's effective filing date. Applicant does not admit that Root is prior art and reserves the right to swear behind the reference at a later date. Nonetheless, Applicant respectfully submits that the combination does not teach each and every element of the invention as claimed in the claims 3, 11-13, 15-19, 21, 23, 24 and 27.

Root discloses a redirector program that forwards the output from a source program that accepts pen-based input to a target program that cannot accept pen-based input. In addition, Root discloses a selection program that prompts the user to select the target program, and with the source program being selected either by the user or automatically determined.

Applicant respectfully submits that the combination of Trissel, IBM and Root does not support a *prima facie* case of obviousness because the combination does not teach or suggest each and every limitation of Applicant's invention as claimed. Claims 3, 11-13, 15-19, 21, 23, 24 and 27 claim a dedicated creator, dedicated processing and relay applications having the same dedicated identifier. Because Trissel and IBM do not teach or suggest this limitation, Root must disclose the missing limitation in order to have a proper *prima facie* case for claims 3, 11-13, 15-19, 21, 23, 24 and 27.

However, Root does not teach or suggest multiple programs having the same identifier. As neither Trissel, IBM nor Root teach three applications having the same dedicated identifier as claimed in claims 3, 11-13, 15-19, 21, 23, 24 and 27, the combination cannot be properly interpreted to disclose the claimed elements. Therefore, the combination of Trissel, IBM and Root cannot render obvious Applicant's invention as claimed in claims 3, 11-13, 15-19, 21, 23, 24 and 27. Accordingly, Applicant respectfully requests the withdrawal of the rejection of currently pending claims 3, 11-13, 15-19, 21, 23, 24 and 27 under 35 U.S.C. § 103(a) over Trissel and IBM in view of Root.

#### Allowable Subject Matter

Applicant thanks the Examiner for indicating that claims 10, 14, 20, 22, 33 and 34 contain allowable subject matter if rewritten to include all the limitations of the claims from which they each originally depended. Applicant respectfully submits claims 10, 14, 20, 22, 33 and 34 are allowable for at least the reasons set forth above for claims 1, 11, 15 and 25 and has not so amended the claims at this point.

## SUMMARY

Claims 1-34 are currently pending. In view of the foregoing amendments and remarks, Applicant respectfully submits that the pending claims are in condition for allowance. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Eric Replogle at (408) 720-3455.

### Deposit Account Authorization

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

Respectfully submitted,

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